

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Plaintiff, proceeding *pro se*, submitted an application to proceed *in forma pauperis* (IFP) and a complaint. (Dkt. 1.) Among other problems, the complaint is unintelligible and fails to clarify all of the specific defendants named or the relief sought. It consists of some forty-eight typed and handwritten pages and copies of correspondence and documents, with many pages containing handwritten comments/notations scrawled around the borders of the page or between paragraphs.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir.

01 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v.*  
 02 *Williams*, 490 U.S. 319, 325 (1989).

03 Here, plaintiff fails to allege sufficient facts to place defendants on notice of the nature of  
 04 his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R. Civ. P. 8(a).  
 05 Because this action appears frivolous and fails to state a claim upon which relief can be granted,  
 06 it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure  
 07 12(b)(6).

08 Plaintiff has submitted a number of similar proposed complaints in this and other courts.<sup>1</sup>  
 09 The Court advises plaintiff of his responsibility to research the facts and law before filing a  
 10 complaint in order to determine whether his claim for relief is frivolous. If plaintiff files a frivolous  
 11 action, he may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would likely impose a sanction  
 12 of dismissal on any frivolous complaint. If plaintiff files numerous frivolous or malicious  
 13 complaints, the Court may bar him from proceeding in this Court. *See DeLong v. Hennessey*, 912  
 14 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

15 Because of the deficiencies in plaintiff’s proposed complaint, his request to proceed IFP  
 16 should be DENIED and this case DISMISSED without prejudice. 28 U.S.C. § 1915(e)(2)(B).

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20 <sup>1</sup> *See, e.g., Roy v. United States of America*, C08-0357-RAJ (W.D. Wash. 2008); *Roy v.*  
 21 *United States of America*, C08-0035-TSZ (W.D. Wash. 2008); *Roy v. Brooks*, C07-1924-MJP  
 22 (W.D. Wash. 2007); *Roy v. World Religious School and University*, C07-1742-TSZ (W.D. Wash.  
 2007); *Roy v. All State Board of Elections*, C07-1419-RSL (W.D. Wash. 2007); *Roy v. Roberts*,  
 C07-1157-TSZ (W.D. Wash. 2007); *Roy v. Bush*, C07-484-JCC (W.D. Wash. 2007). (See also  
 Dkt. 1, Complaint (containing evidence of numerous complaints filed outside of this district).)

01 A proposed order of dismissal accompanies this Report and Recommendation.

02 DATED this 24th day of April, 2008.

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05 Mary Alice Theiler  
06 United States Magistrate Judge  
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